

PUBLIC NOTICE OF PRELIMINARY DETERMINATION
ON AN AIR QUALITY PERMIT APPLICATION
(ARM5019,050)

1. On September 29, 2008, the Department of Environmental Quality - Air Resources Management Bureau (Department) received a complete addendum application from Southern Montana Electric Generation and Transmission Cooperative (SME) for Montana Air Quality Permit (MAQP) #3423-00. The addendum application included a proposed Best Available Control Technology (BACT) determination for particulate matter with an aerodynamic diameter equal to or less than 2.5 micrometers (PM_{2.5}). This action is pursuant to the Order issued by the Board of Environmental Review (BER) in the matter of contested case number BER 2007-07 AQ. The modification establishes permit limitations, conditions and reporting requirements in accordance with the results of the ordered PM_{2.5} specific top-down BACT determination for the Circulating Fluidized Bed (CFB) Boiler. The application was given MAQP #3243-01.

2. The Department proposes to issue the permit. The preliminary determination required by ARM Title 17, Chapter 8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources, is anticipated to be sent on October 6, 2008, to the applicant and to any members of the public who had requested a notice. The Department filed a public notice of the application for permit in the *Great Falls Tribune* on June 27, 2008.

3. The permit application has received a Prevention of Significant Deterioration (PSD) ARM Title 17, Chapter 8, Subchapter 8 review. The Department has determined that the proposed conditions will require the use of BACT on the CFB Boiler. The pollutant requiring PSD review for this application is PM_{2.5}. The PSD increments for PM_{2.5} have not been finalized.

4. Any member of the public desiring to comment must submit such comments in writing to the bureau at the Department of Environmental Quality, Air Resources Management Bureau, 1520 East Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901. Comments may address the permit analysis and conditions, and information submitted in the application. In order to be considered, the comments must be received by November 5, 2008, which is within 30 days of the date of mailing/availability of the preliminary determination. Copies of the application and the permit analysis may be inspected at the bureau's office in Helena. The preliminary determination will also be available on the Department's website at http://deq.mt.gov/AirQuality/ARM_Permits/AirQuality.asp

5. The Department intends to make a decision on the application by December 12, 2008. A copy of the determination may be obtained at the above address. The permit shall become final 15 days from the Department's decision unless an appeal is made to the BER and a stay on the permit is issued by the BER (as described below).

6. Any person jointly or severally adversely affected by the final action may request a hearing before the BER. Any appeal must be filed within 15 days after the Department renders its decision. The request for hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. Submit requests for hearing in triplicate to: Chairman, Board of Environmental Review, Metcalf Building, 1520 East Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901.